

DOCKET NO. UWY-CV-14-6026552-S	:	SUPERIOR COURT
	:	
NUCAP INDUSTRIES INC., ET AL.,	:	J.D. WATERBURY
Plaintiffs,	:	
	:	
VS.	:	AT WATERBURY
	:	
PREFERRED TOOL AND DIE, INC., ET AL.,	:	
Defendants.	:	JUNE 25, 2015

**PLAINTIFFS' MOTION TO STRIKE COUNTS V AND VI OF  
DEFENDANT BOSCO'S COUNTERCLAIMS**

Plaintiffs, Nucap Industries Inc. ("Nucap Industries") and Nucap US Inc., as the successor to Anstro Manufacturing ("Nucap US") (collectively "Plaintiffs" or "NUCAP"), respectfully file this Motion to Strike Counts V and VI of Defendant Robert A. Bosco Jr.'s ("Bosco" or "Defendant") Counterclaims.

Count Five of the Counterclaim—tortious interference with prospective business relationships—fails as a matter of law for two independent reasons. First, it does not contain any allegations of a known business relationship with which NUCAP allegedly interfered, as required by Connecticut law. Second, any of Bosco's losses for NUCAP's alleged tortious interference would be solely economic in nature and, as a result, barred by Connecticut's economic loss doctrine.

Additionally, Bosco's claim for abuse of process is itself a frivolous exercise and can be easily stricken with prejudice. In essence, Bosco has filed an abuse of process claim against Plaintiffs based on Bosco's own frustrations that his conduct has led to litigation. There is nothing in Bosco's abuse of process claim that would actually satisfy the legal standard or state any of the facts or circumstances on excessive force or extortion that are required to state a claim for abuse of process.

Wherefore, Plaintiffs respectfully request the Court grant Plaintiffs' Motion and strike Counts V and VI of Bosco's Counterclaims.

PLAINTIFFS,  
NUCAP INDUSTRIES, INC. and NUCAP US,  
INC.

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**CERTIFICATION**

This is to certify that a copy of the foregoing was mailed, postage prepaid or delivered electronically or non-electronically, on this 25<sup>th</sup> day of June, 2015 to all counsel and self-represented parties of record, as follows:

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